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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,602	12/30/1999	BRYAN J. MOLES	SAMS01-00097	6560

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EXAMINER

SON, LINH L D

ART UNIT	PAPER NUMBER
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2131

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DATE MAILED: 11/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

FS

Office Action Summary

Application No.

09/475,602

Applicant(s)

MOLES ET AL.

Examiner

Linh LD Son

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Detailed Action

Information Disclosure Statement

1. The information disclosure statement filed in the cross reference fails to comply with 37 CFR 1.98(a)(1), which requires a list of all patents, publications, or other information submitted for consideration by the Office. It has been placed in the application file, but the information referred to therein has not been considered. A patent number or USPTO application number, not Docket NO., is needed in order to consider the cross-reference.

Claim Objections

2. Most of the limitations in the claimed invention recite the phrase "Capable of", it is not a positive limitation and does not constitute a limitation in any patentable sense. In re Hutchison, 69 USPQ 138.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Applegate et al hereinafter ("Applegate")(US 6,321,336).

As per **Claims 1, 9, and 17**, Applegate discloses "A system and Method for redirecting network traffic to provide secure communication" (See Abstract) which include a wireless network, (See Column 3 lines 43-46), comprising a plurality of base stations (106, fig. 1), each of said base stations communicate with a plurality of mobile stations, *a security device (110, fig.1) capable of preventing an unauthorized workstation from accessing an Internet protocol (IP) Data network through a network (See Column 3 lines 33-36), said security device comprising:*

A first controller (Col 3 lines 38-46) capable of receiving from unauthorized workstation an IP data packet comprising an IP packet header and an IP packet payload and replacing the said IP packet header with a replacement IP packet header comprising a destination of the firewall in the network (Col 5 lines 33-64).

As per **Claims 2 and 11**, Applegate discloses: *the security device set forth in claims 1 and 9 where said first controller is disposed in at least one of said plurality of base stations (Fig 1 and Col 3 lines 33-46).*

As per **Claims 3 and 10**, Applegate discloses: *The security device set forth in Claim 1 and 9 wherein said first controller is disposed in a mobile switching center of said wireless network. According to the applicant definition on page 16, line 5, mobile switching center (MSC) in Claim 3 is "a switching device that provides services and coordination between the subscribers in the wireless network and external networks, such as the public telephone system and/or the Internet". Such a switching device in the Internet network is inherent in Applegate teaching (See Fig 1 and Col 2 lines 29-43).*

*As per **claims 4, and 12**, Applegate teaches the security device (See ground of rejection on Claim 1) comprising a second controller capable of determining that said un-provisioned mobile station is un-provisioned (Fig 4 and column 4 lines 43-58).*

As per **claims 5, 13, and 18**, Applegate discloses "the security device (See claim 1 rejection) wherein said second controller (302, fig 4) determines that said un-provisioned mobile station is un-provisioned if said un-provisioned mobile station is unable to authenticate to said wireless network" (Col 4 lines 42-58).

As per **claims 7, 15, and 20**, Applegate discloses "The security device (110, fig.1) set forth in claims 1,9, and 17 wherein the second controller (302, Fig 4)

determines that said un-provisioned mobile station is un-provisioned according to data receive from a home location register (Col 4 lines 42-59) associated with said wireless network”.

As per **claims 8 and 16**, Applegate discloses “System and Method for redirecting network traffic to provide secure communication” by manipulating the IP header packet and replace with a destination IP wherein “The selecting destination IP using a load spreading algorithm” method is inherent in Applegate system in order to redirect network traffic (column 4 lines 42-67, column 5 lines 1-67, and column 6 lines 1-31).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- a) **Claims 6, 14, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applegate et al and in view of Henry (US 5,603,084).**

As per **Claims 6, 14, and 19**, Applegate teaches *the security device set forth in Claim 1, 9 and 17 and also the second controller (302, fig 4)*. However, Applegate does not teach *the step of determining that an un-provisioned*

mobile station that is unauthorized according to a predetermined telephone number.

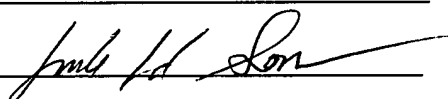
Nevertheless, Henry discloses a cellular system connected to PSTN through a mobile switching center (MSC) (Col 5 lines 3-21). The cellular system along with the MSC provides determination of a mobile access rights by using the Mobile Identification Number (MIN) equivalent to a 10 digits telephone number (Col 5 lines 33-49). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Henry into the second controller on the security device of Applegate to determine the mobile station is authorized/unauthorized based on the telephone number. The incorporation would add another layer of authentication to the wireless network to minimize unauthorized mobile device accessing the network (Col 4 lines 29-59 and Col 5 lines 45-64).

Conclusion

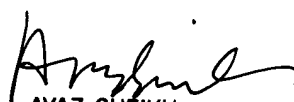
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
6. Any inquiry concerning this communication from the examiner should be directed to Linh Son whose telephone number is (703)-305-8914.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Ayaz Sheikh can be reached at (703)-305-9648. The fax numbers for this group are (703)-872-9306 (official fax). Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703)-305-9600.

Examiner: Linh Ld Son

Signature: 

Date: 11/13/03


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100